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APR 15 2008

REMARKS

Entry of this amendment is respectfully requested.

The originally filed declaration included the incorrect US Serial number, so a revised declaration with the corrected serial number on the first page (with the original signature page) is submitted herewith to correct the typographical error.

The objections to the claims have been rendered moot by cancellation of those claims.

Claims 8-11, 14-15, 23-25 and 30-31 were rejected under 35 U.S.C. §103(a) for allegedly being anticipated by EP '740 in view of Auer. Claims 12-13 and 16-22 were rejected over the foregoing combination of references further in view of Pierce. Applicants respectfully traverse each of these rejections.

Applicants respectfully disagree with the Examiner's assertion that it would have been obvious to one of ordinary skill in the art to apply the method of EP '740 to the TiO₂ residue from a sulphate process disclosed by Auer. EP '740 and Auer respectively are not believed to be the closest prior art and have little to do with the presently claimed invention.

The closest prior art is disclosed in DE 198 30 102 C1 ("DE '102") which is of record. As mentioned in the description, fine-grained TiO₂ materials have not been formed directly in the production of TiO₂ by the sulphate process; therefore, the teaching of DE '102 is not applicable to TiO₂ residues from the sulphate process. It is only after the TiO₂ residues are subjected to heat treatment that they can be used in the same way as the fine-grained TiO₂ containing residual substance formed in the production of TiO₂ by the chloride process.

The object of the present invention was to overcome the disadvantages disclosed in DE '102 and, in particular, to provide a simple use of TiO₂ residues from the production of TiO₂ by the sulphate process. At the time of the invention, the state of the art was to use of a fine-grained

TiO₂-containing residual substance formed in the production of TiO₂ by the chloride process as described in DE '102. A disadvantage of the teaching of DE '102 was that such fine-grained TiO₂-containing residual substances were not formed in the production of TiO₂ by the sulphate process. The teaching of DE '102 is therefore not applicable to TiO₂ residues from the sulphate process, but the presently claimed invention makes it possible to produce fine-grained TiO₂-containing residual substances from TiO₂ formed by the sulphate process:

Example 1:....The product exhibited very good pourability and could very readily be injected into a metallurgical furnace (in this case a blast furnace) by means of pneumatic feeding.

Thus, the presently claimed invention allows those skilled in the art that TiO₂ formed by the sulphate process and being subjected to heat treatment can be used without being further mixed with other substances according to DE '102.

With the above background in mind, it is respectfully submitted that there is no motivation in the cited references to combine them as the Examiner has done and that the presently claimed invention yields unexpected results.

In view of the foregoing, it is respectfully submitted that all rejections should be withdrawn.

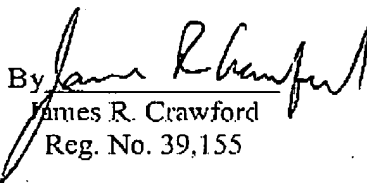
Allowance is respectfully requested.

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The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-DNAG-315-US.

Respectfully submitted

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Enclosure (revised declaration)